

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

EILEEN GARAVENTE and LOUIS
GARAVENTE, her husband,

Plaintiffs

v.

SAM'S CLUB #6581; SAM'S
EAST, INC., d/b/a SAM'S CLUB;
and WALMART, INC.,

Defendants

CIVIL ACTION – LAW

JUDGE: _____

NO.: _____

NOTICE OF REMOVAL

NOW COME the Defendants to this matter, SAM'S CLUB #6581; SAM'S EAST, INC., d/b/a SAM'S CLUB; and WALMART, INC. (correctly, only "SAM'S EAST, INC."), through counsel, Thomas, Thomas and Hafer, LLP, and hereby file this Notice of Removal based upon the following:

1. The above-described action was commenced by the Plaintiffs' filing a Writ of Summons against Defendants on July 15, 2021, in the Court of Common Pleas for Lackawanna County, Pennsylvania. Subsequently, a Complaint was filed against Defendants on September 7, 2021. (A true and correct copy of the Complaint is attached hereto and incorporated by reference herein as Exhibit "A".)
2. Defendants were served with the Complaint on September 7, 2021.

3. Plaintiffs reside in Wayne County, Pennsylvania, having an address at 14 Long Lake Road N., Lakewood, Pennsylvania, and are citizens of the Commonwealth of Pennsylvania. See, Ex. A.

4. The proper corporate Defendant, Sam's East, Inc., is a foreign corporation incorporated in Arkansas, with a principal place of business in Bentonville, Arkansas. See, Ex. A. Sam's East, Inc., is not a citizen of Pennsylvania.

5. A fair reading of the Complaint and the allegations of damages asserted therein establish that the amount in controversy in the underlying action is believed to exceed \$75,000, exclusive of interest and costs. See, Ex. A.

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. §1332, and the case is removed to this Court pursuant to 28 U.S.C.A. §1441(b). This Notice is filed timely under 28 U.S.C.A. §1446(b), in that less than 30 days have passed since Defendants were served with a copy of the initial pleading setting forth the Plaintiffs' claim for relief.

7. Written notice of filing of this Notice of Removal shall be given to all parties as required by 28 U.S.C.A. §1446(b).

8. A true and correct copy of this Notice of Removal is being filed with the Prothonotary in the Court of Common Pleas of Lackawanna County, Pennsylvania, as required by 28 U.S.C.A. §1446(d).

WHEREFORE, Defendants, SAM'S CLUB #6581; SAM'S EAST, INC., d/b/a SAM'S CLUB; and WALMART, INC. (correctly, only "SAM'S EAST, INC."), respectfully request that this action be Removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE

PA Atty. ID No.: 84034

JOSEPH J. SHIELDS, ESQUIRE

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Counsel for Defendants

CERTIFICATE OF SERVICE

I, RYAN C. BLAZURE, ESQUIRE, hereby certify that on the 7th day of October 2021, I sent a true and correct copy of Defendants' Notice of Removal by electronic mail to:

Michael J. Foley, Esquire
FOLEY LAW FIRM, P.C.
538 Spruce St., Suite 200 – PO Box 1108
Scranton, PA 18501
mikef@foleylawfirm.com

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE
PA Atty. ID No.: 84034
JOSEPH J. SHIELDS, ESQUIRE
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Attorneys for Defendants